

Message

---

**From:** Mark McMillan [mark.mcmillan@aqualicensing.com]  
**Sent:** 9/19/2018 10:12:56 PM  
**To:** Matthew Gubiotti [gubiotti@google.com]  
**Subject:** Re: Smart speaker technology patents

Confidtnial

Matt,

The aggregate remaining asset list is about 7,025 patents and 4,400 families.

This will shortly be reduced buy about 460 families, and then another 200 families +/-, so timing makes impacts what we have to license. Larger groups will be sold off after the quality assets are gone.

-M

Mark McMillan  
Managing Director  
Mobile +1 (408) 458-0676  
[mark.mcmillan@aqualicensing.com](mailto:mark.mcmillan@aqualicensing.com)

AQUA

CONFIDENTIALITY NOTICE:

The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

On Sep 19, 2018, at 5:01 PM, Matthew Gubiotti <[gubiotti@google.com](mailto:gubiotti@google.com)> wrote:

*SUBJECT TO NDA*

Hi, Mark,

So I can do an apples-to-apples: How many unique families and issued patents in the remaining portfolio?

M.

On Wed, Sep 19, 2018 at 1:49 PM Mark McMillan <[mark.mcmillan@aqualicensing.com](mailto:mark.mcmillan@aqualicensing.com)> wrote:  
Hi Matt,

Did you have any more questions on the two large former Nokia portfolios?

Defendant's  
Exhibit  
044

Mark McMillan  
Managing Director  
Mobile +1 (408) 458-0676  
[mark.mcmillan@aqualicensing.com](mailto:mark.mcmillan@aqualicensing.com)



CONFIDENTIALITY NOTICE:

The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

On Sep 17, 2018, at 2:19 PM, Mark McMillan <[mark.mcmillan@aqualicensing.com](mailto:mark.mcmillan@aqualicensing.com)> wrote:

Hi Matt,

Answers to your questions follow:

- Last September, the opportunity you presented to us comprised 4,260 families with 6,069 issued patents from three sources. What's the current size of the opportunity? I know you intended to place significant portions of that portfolio and need to understand what's happened in the past year. [Mark: The assets that have already been transferred are all Alcatel-Lucent Assets, since we spoke another portfolio the "Skylight" portfolio of 1590 total assets was acquired. The combined portfolio is about 7K assets today. This is subject to change as additional assets are sold off. Starting next month larger groups will be sold.]
- Your offer is for a perpetual license to the entire portfolio, correct? [Mark: Yes]
- What is your timing? [Mark: We hope to know by the end of the month who will license so that the encumbrance schedule for transfer can be finalized. We understand finalization of the PLA will take some time.]
- 

Mark McMillan  
Managing Director  
Mobile +1 (408) 458-0676  
[mark.mcmillan@aqualicensing.com](mailto:mark.mcmillan@aqualicensing.com)

<PastedGraphic-1.tiff>

CONFIDENTIALITY NOTICE:

The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

On Sep 17, 2018, at 1:59 PM, Matthew Gubiotti <[gubiotti@google.com](mailto:gubiotti@google.com)> wrote:

*SUBJECT TO NDA*

Hi, Mark.

A couple clarifying questions:

- Last September, the opportunity you presented to us comprised 4,260 families with 6,069 issued patents from three sources. What's the current size of the opportunity? I know you intended to place significant portions of that portfolio and need to understand what's happened in the past year.
- Your offer is for a perpetual license to the entire portfolio, correct?
- What is your timing?

Thanks,  
M.

On Fri, Sep 14, 2018 at 12:39 PM Mark McMillan <[mark.mcmillan@aqualicensing.com](mailto:mark.mcmillan@aqualicensing.com)> wrote:  
Matt,

Thanks for the NDA.

I think that we pretty definitively closed off on a potential license of the two large former Nokia portfolios when we last spoke. If you recall Google has a license for the vast majority of the assets through an Alcatel-Lucent license that pre-dated the merger.

A spreadsheet of the assets we believe Google not to be licensed is attached. We are nearing the liquidation of the assets and we have a pretty short period of time where a license could be granted.

The spreadsheet includes 868 assets from the "Terrier" portfolio and 256 from the "Skylight" portfolio. If you have an interest in a license and see value in a perpetual license for the ALU assets as well, that could be included.

I have been authorized to offer this to Google for \$2m.

Regards,  
Mark

Mark McMillan  
Managing Director  
Mobile +1 (408) 458-0676  
[mark.mcmillan@aqualicensing.com](mailto:mark.mcmillan@aqualicensing.com)

CONFIDENTIALITY NOTICE:

The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

On Sep 13, 2018, at 5:58 PM, Matthew Gubiotti <[gubiotti@google.com](mailto:gubiotti@google.com)> wrote:

Thanks, Mark. Good timing.

A new draft NDA for your review attached.

Best,  
M.

On Thu, Sep 13, 2018 at 11:10 AM Mark McMillan <[mark.mcmillan@aqualicensing.com](mailto:mark.mcmillan@aqualicensing.com)> wrote:  
Hi Matt,

Quite by coincidence, it looks like the previous NDA lapses tomorrow. I did not see your attachment. If you can please resend, I will sign it.

Mark McMillan  
Managing Director  
Mobile +1 (408) 458-0676  
[mark.mcmillan@aqualicensing.com](mailto:mark.mcmillan@aqualicensing.com)



CONFIDENTIALITY NOTICE:

The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use,

--

Matthew Gubiotti	Corporate Counsel	Google LLC   <a href="mailto:gubiotti@google.com">gubiotti@google.com</a>	650-434-3332
------------------	-------------------	---	--------------

PRIVILEGE AND CONFIDENTIALITY NOTICE: This message may contain privileged and confidential information. If you have received this message in error, please notify the sender by return email and then delete the message. Please do not copy or disclose the contents of this message. Thank you.

<PastedGraphic-1.tiff><PastedGraphic-1.tiff>